

[Counsel information listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAPELLA PHOTONICS, INC.,
Plaintiff,
v.
CISCO SYSTEMS, INC.,
Defendant.

Case No. 3:14-CV-03348-EMC

**UPDATED JOINT STATUS REPORT,
STIPULATED REQUEST TO
CONTINUE CASE MANAGEMENT
CONFERENCE, AND ~~[PROPOSED]~~
ORDER**

CAPELLA PHOTONICS, INC.,
Plaintiff,
v.
FUJITSU NETWORK
COMMUNICATIONS, INC.,
Defendant.

Case No. 3:14-CV-03349-EMC
(related case)

CAPELLA PHOTONICS, INC.,
Plaintiff,
v.
TELLABS OPERATIONS, INC. AND
CORIANT (USA) INC.,
Defendants.

Case No. 3:14-CV-03350-EMC
(related case)

CAPELLA PHOTONICS, INC.,
Plaintiff,
v.
CIENA CORPORATION,
Defendant.

Case No. 3:14-CV-03351-EMC
(related case)

1 Lead counsel for Plaintiff Capella Photonics, Inc. (“Capella” or “Plaintiff”), and
 2 Defendants Cisco Systems, Inc. (“Cisco”), Ciena Corporation (“Ciena”), Fujitsu Network
 3 Communications, Inc. (“FNC”), Coriant Operations, Inc. (formerly Tellabs Operations, Inc.), and
 4 Coriant (USA) Inc. (Coriant entities collectively “Coriant”) (collectively “Defendants”) (together
 5 with Plaintiff, “the parties”) submit this Updated Joint Status Report for the above-captioned
 6 cases (collectively, the “Related Actions”) pursuant to the Court’s March 6, 2015 Order staying
 7 the Related Actions (Dkt. No. 172) and the November 5, 2015 Clerk’s Notice (Dkt. No. 174).

8 Pursuant to the Court’s March 6, 2015 Order, the Related Actions are “stayed in their
 9 entirety pending final exhaustion of the relevant review proceedings, including any appeals.”
 10 (Dkt. No. 172 at 6). The parties hereby apprise the Court of the status of the *inter partes* review
 11 proceedings initiated by Cisco and additional *inter partes* review proceedings concerning the
 12 Patents in Suit pending in the United States Patent & Trademark Office (Patent Office).

13 **I. STATUS OF THE IPR PROCEEDINGS**

14 On July 15, 2014, Cisco filed a petition for *inter partes* review (IPR2014-01166) on the
 15 ’368 patent. Cisco filed a petition (IPR2014-01276) on the ’678 patent less than a month later.
 16 The two IPR petitions addressed every asserted claim against each of the Defendants. The Patent
 17 Office joined Ciena, FNC, and Coriant in these two IPR proceedings. The Patent Office issued
 18 Final Written Decisions on January 28, 2016 in IPR2014-01166 and on February 17, 2016 in
 19 IPR2014-01276. The Patent Office found unpatentable every claim asserted in this litigation.
 20 Capella has filed requests for rehearing in both IPRs.

21 On August 24, 2015, the Patent Office instituted FNC’s *inter partes* review (IPR2015-
 22 00726) involving the ’368 patent and FNC’s *inter partes* review (IPR2015-00727) involving the
 23 ’678 patent. Ciena and Coriant moved to join these IPRs on September 24, 2015. The Patent
 24 Office on March 21, 2016 joined Ciena and Coriant in FNC’s IPR2015-00727 involving the ’678
 25 patent. The Patent Office’s decision on Ciena and Coriant’s motion to join FNC’s IPR2015-
 26 00726 involving the ’368 patent is due by March 30, 2016. Under the current schedule, the Patent
 27 Office will issue Final Written Decisions in these IPRs by August 24, 2016.

28 On August 25, 2015, the Patent Office instituted *inter partes* review (IPR2015-00731) for

1 the '368 patent and *inter partes* review (IPR2015-00739) for the '678 patent based on petitions
2 filed by non-party JDS Uniphase Corporation (JDSU) (now called "Lumentum"). The Patent
3 Office joined Cisco, Ciena, FNC, and Coriant in these two IPR proceedings. Under the current
4 schedule, the Patent Office will issue Final Written Decisions in these IPRs by August 25, 2016.

5 **II. STIPULATED REQUEST TO CONTINUE CASE MANAGEMENT**
6 **CONFERENCE**

7 Given the status of the IPR proceedings, the Parties propose and stipulate to continuing
8 the Case Management Conference, currently scheduled for April 7, 2016 (Dkt. No. 174), until
9 September 15, 2016, or such other date as the Court may wish. The Parties further propose and
10 stipulate to filing an updated joint status report on September 1, 2016. A [Proposed] Order
11 continuing the Case Management Conference in light of the foregoing stipulation is attached
12 hereto.

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1 Dated: March 24, 2016

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2 By: /s/ Robert D. Becker w/ permission
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5 Dated: March 24, 2016

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1 Pursuant to Local Rule 5-1(i)(3) regarding signatures, I, Sarah J. Guske, attest that
2 concurrence in the filing of this document has been obtained from each of the other signatories. I
3 declare under penalty of perjury under the laws of the United States of America that the foregoing
is true and correct.

4 Executed Thursday, March 24, 2016.

5 /s/ Sarah J. Guske
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**[PROPOSED] ORDER CONTINUING
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Case No. 3:14-CV-03351-EMC
(related case)

Pursuant to the Parties' stipulated request to continue the April 7, 2016 Case Management Conference, and for good cause appearing, it is so Ordered.

1. The Case Management Conference is continued until September 15, 2016.
2. The parties shall submit an updated joint status report on September 1, 2016.

Dated: March 31, 2016

